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Chair: Mr. Tommo Monthe ..... (Cameroon)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Kelapile

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The meeting was called to order at 10.10 a.m.

Agenda item 129: International residual mechanism for criminal tribunals (A/66/537 and Corr.1 and A/66/600)

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1. **Ms. Casar** (Controller) introduced the budget for the International Criminal Tribunal for Rwanda for the biennium 2012-2013 (A/66/368 and Corr.1) and the second performance report on the budget of the Tribunal for the biennium 2010-2011 (A/66/557 and Corr.1); the budget for the International Tribunal for the Former Yugoslavia for the biennium 2012-2013 (A/66/386 and Corr.1) and the second performance report on the budget of the Tribunal for the biennium 2010-2011 (A/66/555); and the budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2012-2013 (A/66/537 and Corr.1).

2. The proposed budget for the International Criminal Tribunal for Rwanda for 2012-2013 had been prepared taking into account the revised and updated completion strategy outlined in the report from the President of the Tribunal to the Security Council (S/2011/317). While the Tribunal had almost completed its work at the trial level, the biennium 2012-2013 was expected to be its busiest period in terms of appeals. The referral of cases to national jurisdictions remained a key pillar of the completion strategy, and the arrest of the remaining nine fugitives was a top priority.

3. Overall resource requirements for the Tribunal for the biennium 2012-2013 amounted to $174,318,200 gross ($157,938,900 net) before recosting, reflecting a decrease in real terms of $83,485,900 gross or 32.4 per cent ($77,388,500 net or 32.9 per cent) compared to the revised appropriation for 2010-2011. During the biennium 2012-2013, the Tribunal proposed to abolish 212 posts (93 Professional and 119 General Service), representing a decrease of 33.8 per cent from the current authorized staffing level of 628.

4. With regard to the second performance report on the budget of the Tribunal for the biennium 2010-2011, the Secretary-General proposed a final appropriation of $257,081,500 gross ($233,691,800 net), a decrease in requirements of $722,600 gross ($1,635,600 net) compared to the revised appropriation of $257,804,100 gross for the biennium 2010-2011. The net reduction was the result of reduced requirements under post incumbency and other changes, partially offset by additional requirements owing to the combined effect of exchange rates and inflation.

5. During the biennium 2012-2013, the workload of the International Tribunal for the Former Yugoslavia would be affected by four main developments: the completion of six trials in 2012, resulting in a decrease in first instance trial activity as from the third quarter of 2012; an increase in interlocutory appeals and appeals on merits in respect of trials completed during 2011 and 2012; preparation for the transition to the Residual Mechanism; and the implementation of The Hague branch of the Residual Mechanism as of July 2013.

6. The overall level of resources required for the Tribunal for the biennium 2012-2013 amounted to $280,158,300 gross ($249,637,000 net) before recosting, reflecting a decrease of $40,353,500 gross or 12.6 per cent ($40,173,000 net or 13.9 per cent) compared to the revised appropriation for the biennium 2010-2011. It was proposed to maintain the current staffing level of 546 posts over the biennium 2012-2013, although the number of positions funded under general temporary assistance would be reduced from 319 to 156.

7. With regard to the second performance report on the budget of the Tribunal for the biennium 2010-2011, the Secretary-General proposed a final appropriation of $327,472,300 gross ($286,012,600 net), an increase of $6,960,500 gross (a decrease of $3,797,400 net) compared to the revised appropriation for 2010-2011. The increase in gross requirements was due to exchange rate fluctuations and inflation, partly offset by a decrease in post incumbency and other changes.

8. By its resolution 1966 (2010) the Security Council had established the International Residual Mechanism for Criminal Tribunals, with two branches: the Arusha branch, for the International Criminal Tribunal for Rwanda, due to commence functioning in July 2012; and The Hague branch, for the International Tribunal for the Former Yugoslavia, due to commence functioning in July 2013. By the same resolution, the Council had also adopted the statute of the Mechanism and the transitional arrangements, and had decided that the Mechanism would be responsible for continuing the jurisdiction, rights and obligations and essential functions of the two Tribunals.

9. During the biennium 2012-2013 the Mechanism would coexist with the Tribunals, with the double-hatting of staff and use of common services. Initial resource requirements were estimated at $50,434,400 gross ($46,827,900 net), before recosting, for the biennium. Staffing for the continuous functions of the Mechanism would consist of 97 posts: it was proposed that 67 posts should be established in 2012-2013; the functions and responsibilities of the remaining 30 posts would be covered by staff from the Tribunals under the double-hatting arrangement.

10. **Mr. Kelapile** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/66/600), said that the Advisory Committee had considered the reports on the two International Tribunals and on the International Residual Mechanism together in order to address cross-cutting issues and the transition process to the Mechanism.

11. On staff retention, the Advisory Committee noted that Tribunal staff continued to leave for more stable, long-term positions elsewhere, despite measures aimed at addressing the problem. The Tribunals should continue their efforts to recruit and retain staff, so as not to hinder the timely completion of their mandates. With respect to the lump-sum legal aid system for defence counsel costs, the Advisory Committee recognized the advantages of a lump-sum system that ensured predictability in defence counsel costs and urged the International Tribunal for the Former Yugoslavia to extend the system to appellate level proceedings.

12. The proposed budget for the International Criminal Tribunal for Rwanda was based on outstanding trials, appeals and other mandated tasks. Not all first-instance trials had been completed: during 2012-2013 the Tribunal's anticipated activities included three contempt of court trials, two genocide trials — if referral to Rwanda was unsuccessful, 40 appeals, the tracking of nine fugitives, archiving of records, and other ongoing activities.

13. The proposed budget of $174.3 million ($157.9 million net) for 2012-2013 provided funding for 254 positions for between six and 24 months each through general temporary assistance, in addition to the 416 posts the Tribunal proposed to retain. The Tribunal also received extrabudgetary funding for an outreach and capacity-building programme, but the fund balance was now depleted, and the Advisory Committee recommended further efforts to replenish the fund.

14. The Advisory Committee recommended that the General Assembly should take note of the second performance report on the budget of the Tribunal and approve the final appropriation for the biennium 2010-2011 in the amount of $257.1 million gross ($233.7 million net). The Advisory Committee also recommended approval of the resource requirements outlined in the proposed budget for the biennium 2012-2013.

15. With regard to the completion strategy of the International Tribunal for the Former Yugoslavia, the Advisory Committee noted that there had been some slippage in the estimated trial completion dates owing to various unforeseen developments during the current biennium, including the arrest of the last two fugitives. Accordingly, during the biennium 2012-2013, it was estimated that the Chambers would work on nine trials, 30 pre-appeal procedures, 11 final appeals and all interlocutory appeals arising from ongoing trials. The Advisory Committee commended the Tribunal on the measures it had taken to improve the efficiency of its operations and encouraged it to pursue further efforts in that regard.

16. Estimated resource requirements for the Tribunal for the biennium 2012-2013 amounted to $280.2 million gross before recosting, reflecting a decrease of $40.4 million gross, or 12.6 per cent, compared with the revised appropriation for 2010-2011. The Advisory Committee noted that the decrease in requirements was due primarily to the anticipated reduction in trial activity in 2013.

17. Regarding the proposed staffing table, since the biennium 2008-2009 and in the context of its downsizing efforts the Tribunal had been using general temporary assistance funding to continue the functions of abolished temporary posts. At the beginning of the biennium 2012-2013 there would be a requirement for 319 positions funded in that way.

18. While the Advisory Committee understood that that procedure allowed for more accurate and responsive budgeting, as well as greater flexibility in adjusting staffing levels, it considered that presentation of the associated resource requirements in the proposed budget was not clear and that greater efforts should have been made to streamline staffing. In addition, the Advisory Committee regretted that the budget document did not contain information justifying the continued need for all 546 temporary posts during the biennium 2012-2013. The Advisory Committee expected that the staffing table for the biennium 2014-2015 would reflect a significant reduction in temporary posts, given that the bulk of the Tribunal's work would have been completed.

19. The Advisory Committee recommended that the General Assembly should take note of the second performance report on the budget of the International Tribunal for the Former Yugoslavia and approve the final appropriation for the biennium 2010-2011 in the amount of $327.5 million gross. The Advisory Committee also recommended approval of the resource requirements outlined in the proposed budget for the biennium 2012-2013, bearing in mind the observations and recommendations set out in its report.

20. The International Residual Mechanism for Criminal Tribunals would coexist with the two International Tribunals during the biennium 2012-2013, allowing the three entities to share resources, provide mutual support and coordinate their activities.

21. The Residual Mechanism would engage in two main types of activities: continuous and ad hoc. Continuous activities included witness protection, tracking of fugitives, supervision of enforcement of sentences, archive management, and assistance to national prosecution authorities. The establishment of 67 posts was requested to undertake those activities, in addition to 30 double-hatted staff from the two Tribunals. Ad hoc activities consisted primarily of the conduct of trials and appeals and preparatory activities for the Residual Mechanism. Funding through general temporary assistance was requested in respect of 154 positions for an average of 12 months.

22. While the Advisory Committee recognized the efforts made to reduce costs through resource-sharing, it considered that more savings could have been achieved, and encouraged the Secretary-General to reflect further savings through increased resource-sharing in the next budget.

23. The Advisory Committee recommended establishment of the 67 posts requested, and the appropriation of a total amount of $50,434,400 gross ($46,827,900 net), before recosting, for the Mechanism for the biennium 2012-2013.

24. **Mr. Kisoka** (United Republic of Tanzania), speaking on behalf of the Group of African States, acknowledged the contribution of the International Criminal Tribunal for Rwanda to the ongoing restoration and maintenance of peace and stability in Rwanda.

25. The Group noted that the final requirements for the Tribunal for 2010-2011, at $257.1 million, reflected a decrease of $0.72 million compared with the revised appropriation for 2010-2011. The Group welcomed the efforts by the Tribunal in respect of its completion strategy, its outreach activities to Member States, and its engagement with donors to replenish the voluntary fund in order to continue its capacity-building projects, the recruitment and retention of staff, and the digitization of its audio-visual records. Close monitoring and timely completion of the construction of a new facility in Arusha, costed at $5.52 million, to house the Tribunal's archives were required.

26. The next biennium was expected to be the busiest period for the Tribunal as there would be five trials and at least 40 appeals — a heavy workload that would place a significant demand on resources. The Group concurred with the Advisory Committee that the Tribunal should intensify its efforts to refer cases to national jurisdictions.

27. He welcomed the budget proposal of $174.3 million for the biennium 2012-2013, and the efforts to improve the presentation of the budget, in particular clear information on estimated costs and proposed staffing changes.

28. He recalled that the Security Council had requested the Tribunals to complete all remaining work by December 2014, and noted that most of the

functions of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia would be assumed by the Residual Mechanism in July 2012 and July 2013, respectively. Start-up activities for the Mechanism had already begun, including negotiations for headquarters agreements with the Governments of the Netherlands and the United Republic of Tanzania, submission of judicial nominations and issuance of the list of candidates, review of the draft rules of procedure and evidence, and setting out of the procedure for the election of judges. He looked forward to information on the recruitment of the Registrar of the Mechanism.

29. The Group noted that resources for the Mechanism for 2012-2013 amounted to $50.4 million and further noted the proposal for sharing resources. Care must be taken to ensure that resource-sharing did not undermine the mandate of the Mechanism.

30. Lastly, the Group had taken note of the Secretary-General's budget proposal in respect of the International Tribunal for the Former Yugoslavia.

Agenda item 134: Proposed programme budget for the biennium (*continued*)

United Nations Support Mission in Libya
(A/66/7/Add.13 and A/66/354/Add.6)

31. **Ms. Casar** (Controller), introducing the budget proposal for 2012 for the United Nations Support Mission in Libya (UNSMIL) (A/66/354/Add.6), said that, in a letter dated 7 September 2011 (S/2011/542), the Secretary-General had requested the establishment of the Mission to provide urgent advice and assistance in areas identified by the Libyan authorities, coordinate international assistance, and undertake further consultations on and assessment of longer-term United Nations assistance in Libya. By its resolution 2009 (2011) the Security Council had established the Mission, with the mandate of supporting Libyan national efforts to restore public security and order and promote the rule of law; undertake inclusive political dialogue, promote national reconciliation, and embark upon the constitution-making and electoral processes; extend State authority, including through strengthening emerging institutions and restoring public services; promote and protect human rights and support transitional justice; take the steps required to initiate economic recovery; and coordinate any request for support from other multilateral and bilateral actors.

32. In a letter dated 4 October 2011 the Advisory Committee had concurred in a request, pursuant to General Assembly resolution 64/246 on unforeseen and extraordinary expenses, to enter into commitments in an amount not to exceed $10 million. The commitment authority provided for the immediate resource requirements of UNSMIL during the initial mandate period of three months, including an interim staffing complement of 196 temporary positions, comprising 146 international staff and 50 national staff.

33. Total requirements for 2012 amounted to $32,575,800 net ($36,145,200 gross), under the overall proposed budget for special political missions for 2012 of $617,620,600 net ($662,260,500 gross). Proposed staffing for 2012 comprised a total of 242 positions, within the total of 4,815 positions proposed for special political missions.

34. **Mr. Kelapile** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/66/7/Add.13), said that, as an assessment of mission planning needs was still under way and the Secretary-General had yet to submit proposals concerning the mandate of the Mission, the Advisory Committee considered it premature to establish the proposed staffing table and adopt a full budget for 2012. It therefore recommended that the Secretary-General should be requested to submit a revised budget proposal following the Security Council's decision on extension of the mandate beyond 15 March 2012, to include fully justified staffing proposals and an organizational structure adapted to the mandate of the Mission.

35. In order to allow sufficient time for the preparation and adoption of the revised budget, and taking into account the pattern of expenditures of the Mission, the Advisory Committee was recommending that the General Assembly should authorize the Secretary-General to enter into commitments in an amount not exceeding $16 million to cover the operational requirements of UNSMIL for a six-month period from 1 January 2012. Any resources beyond 15 March 2012 should be made available to the Mission subject to the extension of its mandate. The Advisory Committee expected the Secretary-General to provide details of the utilization of the resources provided for the period from 1 January to 30 June 2012 in his next budget submission. The Advisory Committee also emphasized that its recommendation

did not prejudge the position it might take on the structure, staffing and other resource requirements of UNSMIL, which were also subject to a future decision of the Security Council.

Agenda item 161: Financing of the United Nations Mission in South Sudan (A/66/532 and A/66/592)

36. **Ms. Casar** (Controller), introducing the budget for the United Nations Mission in South Sudan (UNMISS) for the period from 1 July 2011 to 30 June 2012 (A/66/532), said that the proposed budget of $738.3 million provided for 7,000 military personnel, 900 civilian police personnel, 3,553 civilian staff and 81 Government-provided personnel.

37. By its resolution 65/257 B, the General Assembly had authorized the Secretary-General to draw upon the resources approved for the United Nations Mission in the Sudan (UNMIS) in entering into commitments for a successor mission for the period from 1 July to 31 December 2011. By its resolution 1996 (2011), the Security Council had established the United Nations Mission in South Sudan at the level of up to 7,000 military personnel, up to 900 civilian police personnel, and an appropriate civilian component.

38. The standardized funding model, based on an assessment of what was realistically achievable in a start-up environment in the first year of operations, had been used for the first time to develop the budget proposal. The standardized model comprised mandate-specific results-based budgeting frameworks for the substantive and support components of the Mission; detailed justification of staffing levels; and financial resources based on the scenario and profile that most closely resembled the mandate of UNMISS.

39. The actions to be taken by the General Assembly were set out in paragraph 223 of the budget document (A/66/532).

40. **Mr. Kelapile** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/66/592), said that the Advisory Committee noted the proposals for the establishment of multifunctional clusters in the Mission in the interest of a coherent approach to mandate delivery. It also noted the decentralized organizational structure, and expected the Secretary-General to document and apply lessons learned, as well as draw on the experience of deploying other complex decentralized missions.

41. Regarding staffing, the Advisory Committee considered that the number of posts requested under executive direction and management might be excessive, and had made recommendations in that regard.

42. The Advisory Committee noted that the start-up budget of UNMISS represented the first application of the standardized funding model, with mandate-specific results-based budgeting frameworks for the substantive components of the mission and detailed mission-specific staffing. Financial resources and the logical framework for the support component were indicative, and provided an overall level of funding based on the scenario and profile that most closely resembled the mandate of the Mission.

43. The Advisory Committee noted, however, that the key premise on which the standardized funding model was based, namely the similarity of operations and resource requirements of missions in their first year as they built up deployment of personnel and assets, did not fully apply in the case of the new United Nations Mission in South Sudan, given its inheritance of personnel and assets from UNMIS. Moreover, following the establishment of the Mission in July 2011, the General Assembly had provided $278 million for its deployment for the period ending 31 December 2011. Thus the Mission had not faced the time constraints of a typical start-up mission and there had been sufficient time to prepare a full budget for consideration by the General Assembly.

44. Since UNMISS was not a typical start-up mission, the Advisory Committee had had difficulties in its consideration of the budget proposals for 2011/12, in particular the lack of clarity and transparency as to requirements. The application of the standardized funding model for the first year of operations of UNMISS appeared to have created an artificial constraint impeding the full presentation of the requirements of the Mission for the period, rather than providing greater flexibility to the Mission's leadership to translate the total funding envelope into mission-specific programmatic and support requirements.

45. The Advisory Committee also questioned whether the standardized funding model, as applied to UNMISS, met a key objective of the Secretary-General, namely to accelerate the process for obtaining

the necessary funding for start-up operations. In that regard, the Advisory Committee noted that the budget document remained voluminous, and did not appear to be designed to accelerate either its production by the Secretariat or its consideration by the General Assembly.

46. Notwithstanding its concerns, given the timing of the budget cycle the Advisory Committee considered approval of the start-up budget as presented by the Secretary-General to be the most practical approach. The Advisory Committee nonetheless recommended that the Secretary-General should be requested to provide comprehensive explanations of the utilization of resources, as well as details of actual achievements, in the context of the performance report for UNMISS for 2011/12.

47. Although the Advisory Committee's recommendations on specific positions or operational costs would not result in a reduction in the level of the resources proposed, given that the standardized funding model provided an indicative level of overall funding, the Secretary-General should take those recommendations into account during the start-up period as well as in the preparation of the full budget for the period from 1 July 2012 to 30 June 2013.

48. In view of the particular circumstances of UNMISS the Advisory Committee was unable to comment in greater detail on the applicability of the standardized funding model to start-up missions. The Secretary-General had also indicated that the model was not applicable to the United Nations Interim Security Force for Abyei (UNISFA).

49. Given that the standardized funding model was not applicable to either of the two new peacekeeping operations established in 2011, the Advisory Committee questioned whether it was sufficiently flexible to accommodate the operational requirements and conditions of start-up operations. The current design of the model, limited to six profile/scenario combinations with an overall level of funding for each combination, might be too restrictive, thereby limiting its application to a narrow range of operations. The Advisory Committee was of the view that alternative methodologies for establishing standardized funding and costing models should be explored, based, inter alia, on the experience acquired through the first application of the model to UNMISS.

50. **Mr. Kisoka** (United Republic of Tanzania), speaking on behalf of the Group of African States, recalled the intention of the Security Council to establish a successor mission to the United Nations Mission in the Sudan, in which regard an amount of $482.5 million had been appropriated and assessed for the maintenance of UNMIS for the six-month period from 1 July to 31 December 2011. The Assembly had also authorized the Secretary-General to draw upon the resources approved for UNMIS in entering into commitments for the period 1 July-31 December 2011 for UNISFA and any further missions established by the Security Council before 31 December 2011 in support of the Comprehensive Peace Agreement.

51. The Group of African States also recalled that the Security Council had established the United Nations Mission in South Sudan for an initial period of one year with a mandate to consolidate peace and security, and to help establish conditions for development in South Sudan, with a view to strengthening the capacity of the Government to govern effectively and democratically and establish good relations with its neighbours.

52. The Group also noted the proposals for the establishment of multifunctional clusters, expected to facilitate coherent mandate delivery, as well as the decentralized organizational structure of the Mission and the focus of UNMISS on national capacity-building. In that regard he emphasized the need for close coordination among the United Nations entities in the region and between the Mission and the key actors, including the host Government. He would welcome further details in informal consultations.

53. The Group noted the application of the standardized funding model to UNMISS and looked forward to further details in the performance report. Lastly, the Group welcomed the proposed budget of $738.27 million to finance the Mission for the period from 1 July 2011 to 30 June 2012.

The meeting rose at 11.10 a.m.